

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference 209.7173	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/IB00/01295	International filing date (day/month/year) 02 August 2000 (02.08.00)	Priority date (day/month/year) 12 August 1999 (12.08.99)
International Patent Classification (IPC) or national classification and IPC A47G 9/08		
Applicant BRUN, Andreas		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>3</u> sheets.</p>
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input checked="" type="checkbox"/> Certain defects in the international application</p> <p>VIII <input checked="" type="checkbox"/> Certain observations on the international application</p>

Date of submission of the demand 02 March 2001 (02.03.01)	Date of completion of this report 22 November 2001 (22.11.2001)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/IB00/01295

## I. Basis of the report

1. This report has been drawn on the basis of (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

- ☒ the international application as originally filed.
- ☒ the description, pages 2, 3, as originally filed,  
pages \_\_\_\_\_, filed with the demand,  
pages 1, filed with the letter of 10 October 2001 (10.10.2001),  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☒ the claims, Nos. \_\_\_\_\_, as originally filed,  
Nos. \_\_\_\_\_, as amended under Article 19,  
Nos. \_\_\_\_\_, filed with the demand,  
Nos. 1-6, filed with the letter of 10 October 2001 (10.10.2001),  
Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☒ the drawings, sheets/fig 1/1, as originally filed,  
sheets/fig \_\_\_\_\_, filed with the demand,  
sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	1 - 6	YES
	Claims		NO
Inventive step (IS)	Claims	1 - 6	YES
	Claims		NO
Industrial applicability (IA)	Claims	1 - 6	YES
	Claims		NO

**2. Citations and explanations**

1. The document US-A-3 988 791 (D1) mentioned in the application is regarded as the closest prior art. It discloses (see column 3, lines 5 - 19 and figures; using the terminology of the present Claim 1 but the reference signs of D1) a sleeping bag consisting of adjacent chambers that are formed by partition walls (16, 17, 18) and that contain a filling material, said sleeping bag also consisting of inner and outer sheaths (14, 15) and a zip fastener (22, 24); the outer sheath (15) consists of a watertight material (column 3, lines 7 - 10); the outer sheath (15) and the partition walls (16, 17, 18) or said outer sheath and fixing strips that are connected to the partition walls are made of a weldable [or bondable] material (column 3, line 8 "nylon"); the partition walls (16, 17, 18) are [secured] to the outer sheath (15) from the inside at the end of said walls or by means of said fixing strips, the inner sheath (14) consists of a textile material (column 3, line 8) and the partition walls (16, 17, 18) are stitched to said inner sheath at the ends of said walls.

.../...

(Continuation of V.2)

The subject matter of Claim 1 differs in that the partition walls are welded or bonded to the outer sheath from the inside at the end of said walls or by means of the fixing strips and in that the textile material of the inner sheath is an active breathing textile material.

The subject matter of Claim 1 is therefore novel (PCT Article 33(2)).

- 1.1. The problem to be solved with this difference is therefore understood to be to select a combination of materials for the inner and outer sheaths with a suitable partition wall fastening.

Although a welded-on or bonded-on watertight material and a stitched active breathing sheath material are each known per se in sleeping bags, the proposed combination of materials for the inner and outer sheaths is neither known from, nor suggested by, the available prior art and therefore involves an inventive step (PCT Article 33(3)).

- 1.2. Claims 2 to 6 are dependent on Claim 1 and therefore also meet the requirements of the PCT with regard to novelty and inventive step.

## VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

1. Although Claim 1 is in the proper two-part form, several features should not have been included in the characterising part of the claim, since they were disclosed in D1 in conjunction with the features defined in the preamble; see Box V, item 1 (PCT Rule 6.3(b)(i)).
2. The description, page 2, lines 5 to 13, is not consistent with Claim 1 (PCT Rule 5.1(a)(iii)).
3. According to PCT Rule 11.13(m), the same feature must be denoted by the same reference sign throughout the application. This requirement is not satisfied by the use of (6) for the inner sheath (3) in line 16 of Claim 1.

**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. It is clear from the characterizing portion of Claim 1 (line 15) and from the original Claim 1 that it is necessary for the definition of the invention that the outer sheath (2) and the partition walls (5) or the outer sheath and fixing strips (6) connected to said partition walls are made of a weldable or bondable material.

Since independent Claim 1 (line 12) does not contain the feature "or bondable", it does not comply with the requirement of PCT Article 6 in conjunction with PCT Rule 6.3(b) that each independent claim must contain all the technical features that are necessary for the definition of the invention.

REPLACED BY  
ART 34/17

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USPTO Customer No.



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## Sleeping bag

### Description

5 This invention concerns a sleeping bag constructed of side by side chambers formed by dividing walls and filled with stuffing material, inner and outer shells that cover the chambers, and a zipper.

Sleeping bags designed for various purposes have been available in many different styles  
10 for a long time. When sleeping outdoors (without a tent), it is desirable to have protection from dampness and wetness caused by rain, dew, or snow. For this reason, sleeping bags are available with waterproof outer shells. One example in current use is Super Dryloft from Gore, a membrane made of stretched Gore-Tex that is laminated onto nylon. Stretching the membrane increases the membrane's water vapor-permeability. However,  
15 it is moisture resistant and completely windproof. Micro-fiber fabrics, such as Pertex nylon, are used for less demanding requirements. Although these sleeping bags are essentially waterproof, they exhibit weak spots, especially in places where there are external seams. In order to address this issue, it has been proposed to equip sleeping bags with separate outer coverings (like that available under the trade name C-tex) under  
20 which is located a cover made of vapor-permeable triple laminate. However, this necessitates carrying and packing an additional item.

The purpose of this invention is to create a waterproof sleeping bag, the resistance characteristics of which are improved and with which it is unnecessary to carry additional  
25 items



### Claims

1 1. Sleeping bag that consists of side by side chambers formed by dividing walls and filled  
2 with stuffing material, the inner and outer shells that cover the chambers, and a zipper,  
3 characterized by  
4 the outer shell (2), which is made of a waterproof material,  
5 the outer shell (2) and the dividing walls (5) or the outer shell and the attachment strips  
6 (6) (joined with the dividing walls), which consist of a weldable or bondable material,  
7 and the dividing walls (5), which are welded or bonded at their ends to the inside of the  
8 outer shell or through the use of attachment strips (6) .

1 2. Sleeping bag according to claim 1,  
2 characterized by  
3 the dividing walls (5), which are sewn to the attachment strips (6).

1 3. Sleeping bag according to claim 1 or 2,  
2 characterized by  
3 a waterproof zipper or a zipper covered with a waterproof outer flap.

1 4. Sleeping bag according to claim 3,





2 characterized by  
3 the outer flap, which is welded onto the outer shell (2).

1 5. Sleeping bag according to one of the preceding claims,  
2 characterized by  
3 the outer shell (2) and the attachment strips (6), which consist of a thermoplastic material  
4 like PVC or polyurethane or a fabric coated with these materials.

1 6. Sleeping bag according to one of the preceding claims,  
2 characterized by  
3 the dividing walls (5), which consist of tricot or mosquito netting material.

1 7. Sleeping bag according to one of the preceding claims,  
2 characterized by  
3 the inner shell (3), which consists of a breathable textile;  
4 and the dividing walls (5), which are sewn at their other, inner ends to this textile.